

Before the State of South Carolina  
Department of Insurance

In the matter of: )

Randolph L. Parker )

Post Office Box 122 )

Darlington, South Carolina 29532. )

Order Revoking Insurance Agent's License

File Number ~~1999180-078-003~~

100685

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1998), by the State of South Carolina Department of Insurance upon Randolph L. Parker, a licensed South Carolina resident insurance agent, both by certified mail, return receipt requested, and regular mail on 22 November 1999.

That letter informed Parker of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request for a hearing would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, as of January 11, 2000, Parker had neither timely answered nor requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that Parker sold a commercial liability insurance policy but failed to place the coverage with an insurer. In addition, he failed to inform the consumer that he was unable to secure coverage. These acts, as alleged, are a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 1998). That Code section provides that "[t]he director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." Subsections (5) and (6) of that Section goes on to define "deceived or dealt unjustly" to include "failing to deliver promptly a policy, endorsement, or rider to any insured" and "failing to notify promptly the customer or insured if the agent has been unable to obtain the requested insurance for him."

In accordance with my findings of fact, and considering Parker's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130 (5) and (6) (Supp. 1998), and that his license should be revoked.

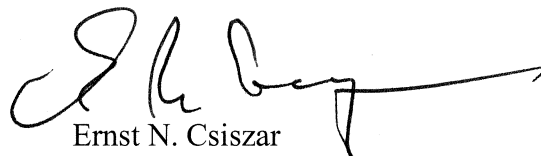
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10 *et seq.* (1991 and Supp. 1998). Nothing contained within this administrative disciplinary

order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that Parker's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Parker is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "Ernst N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

January 20, 2000  
Columbia, South Carolina

Before the State of South Carolina  
Department of Insurance

In the matter of: )

Randolph L. Parker )

Post Office Box 122 )

Darlington, South Carolina 29532. )  
\_\_\_\_\_ )

File Number 1999180-078-003

Affidavit of Default

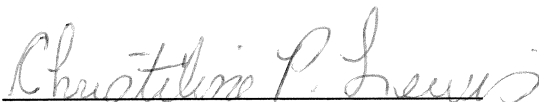
T. Douglas Concannon personally appeared before me, and, being duly sworn, stated that he, at all times relevant to this Affidavit of Default, was the attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

Randolph L. Parker was served notice at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department of Insurance would request that his license to act as a resident insurance agent within the State of South Carolina be summarily revoked by the Director of Insurance for the State of South Carolina. That notice was served, pursuant to Section 38-3-170 of the South Carolina Code by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." Further, by that letter, Parker was also served notice of his opportunity, within ten days, to request a public hearing. That service was effected by certified mail, return receipt requested, and by regular mail.

The United States Post Office returned the certified letter to the Department, having marked it as "Unclaimed." See Attachment One. The letter sent via regular mail was not returned. Parker is required as a licensed insurance agent to notify the Department of any change of address within 30 days. See S.C. Code Ann. § 38-43-107 (1989). He therefore should be held in default.

  
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T. Douglas Concannon  
Associate General Counsel

Sworn to and subscribed before me  
this 11<sup>th</sup> day of January 2000.

  
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Christiline Lewis, Notary Public

My Commission Expires: 11/20/06